

FILED

AUG 15 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOSE ANTONIO AGUILAR ESQUIVEL,
Defendant.

No. ~~CR~~-08-070470 WDB
No. ~~CR~~-08-070461 WDB

STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING WAIVER OF TIME
PROVISIONS OF RULE 5.1 AND 18 U.S.C.
§ 3161(b) AND SETTING DATE FOR
STATUS HEARING

IT IS HEREBY STIPULATED between the plaintiff through its attorney, Joshua Hill, and the defendant through his attorney, Mike McDonnell, that the next hearing on the status of this matter shall be set for September 10, 2008 at 10:00 a.m. Defendant and his counsel continue to waive the provisions of Rule 5.1(c) of the Federal Rules of Criminal Procedure requiring a preliminary hearing to be held within 10 days of his initial appearance and 18 U.S.C. § 3161(b) requiring an indictment to be filed within thirty days from the date of arrest. Defendant has recently retained new counsel. Therefore, defendant's waiver is based on the need for continuity

1 of counsel and reasonable time necessary for effective preparation. The defense agrees that the
2 waiver covers all time between August 5, 2008 and September 10, 2008.

3 IT IS SO STIPULATED:

4 Dated: August 15, 2008

/s/ Mike McDonnell
MIKE McDONNELL
Attorney for Defendant

7 Dated: August 15, 2008

/s/ Joshua Hill
JOSHUA HILL
Assistant United States Attorney

10 **ORDER**

11 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that time limits under
12 Rule 5.1(c) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(b) are waived, and
13 the parties shall appear for a status hearing in this matter on September 10, 2008 at 10:00 a.m.

15 Dated: August 15, 2008


HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge